



Language 1631/\$

PATENT
ATTORNEY DOCKET NO. 44921-5029-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **William E. Munger et al.**)
Application No.: **09/873,319**) Group Art Unit: 1631
Filed: **June 5, 2001**) Examiner: Marjorie A. Moran
For: **Identifying Drugs for and Diagnosis of**)
Benign Prostatic Hyperplasia Using Gene)
Expression Profiles)


Commissioner of Patents and Trademarks
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window,
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

TRANSMITTAL FORM

- Transmitted herewith is a Response to Restriction Requirement in reply to the Office Action dated July 16, 2003 (Paper No. 9).
- Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for two-months extension of time, the fee for which is \$420.00 as set out in 37 C.F.R. 1.17(a). If an additional extension of time is required, please consider this a Petition therefor.
- Fee Payment: The Commissioner is hereby authorized to charge **\$420.00** to Deposit Account No. 50-0310 for payment of the two-months extension of time fee.
- Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **October 15, 2003**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Ave., NW
Washington, D.C. 20004
Tel: 202-739-3000
Fax: 202-739-3001

Respectfully submitted
Morgan, Lewis & Bockius LLP


Michael S. Tuscan
Registration No. 43,210

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RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. 121

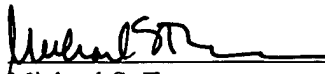
Sir:

In response to the Restriction Requirement dated July 16, 2003 (Paper No. 9), the period for response to which is extended to October 16, 2003 by the accompanying petition for a two-month extension of time, Applicants hereby elect Group VI, original claims 32-38, which are drawn to a computer system comprising gene expression data, classified in class 700, subclass 90, with traverse.

Except for issues payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

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